DOCUMENT RESUME

ED 164 172 RC 010 971

AUTHOR Wilson, Frederick C.
TITLE A Survey of the Structure and Organization of the Bureau of Indian Affairs and Tribal Governments for American Indian High School Students. Curriculum Bulletin No. 18.02.
INSTITUTION Bureau of Indian Affairs (Dept. of Interior), Phoenix, Ariz.
PUB DATE Nov 75
NOTE 39p.; For related document, see ED 158 904

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS *American Indians; Bureaucracy; Constitutional Law; Course Content; *Curriculum Guides; Federal Government; Government Role; *High School Students; Legislation; *Organization; Reservations (Indian); Secondary Education; Self Determination; Teaching Methods; Treaties; Tribes; Unit Plan
IDENTIFIERS American Indian Education; *Bureau of Indian Affairs; Federal Indian Relationship; Indian Self Determination Education Assistance Act; *Tribal Government; Tribal Sovereignty

ABSTRACT

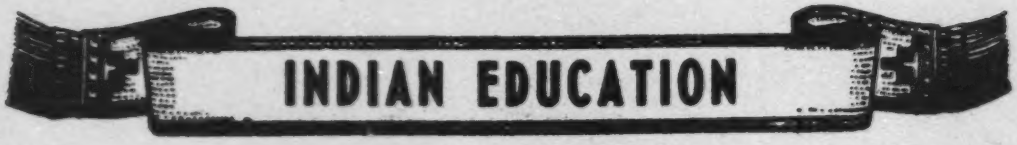
Designed to expose high school students to the complexities of the bureaucratic structure of the Federal Government (especially that of the structure and organization of the Bureau of Indian Affairs and its relationship to tribal governments), this curriculum bulletin provides a guide for exploring the Federal Government's responsibilities to Indian communities established through the years by statute. Because Indian people are subject to their own tribal regulations as well as to State and Federal laws, it also provides for the study of tribal government structures. The course seeks to help students to learn the origin of the history of Indian policy and understand the social, economic, political, and environmental factors that have influenced it in the past and that are at work today. Particular attention is directed toward the Indian Self-Determination and Educational Assistance Act which places great emphasis on tribal government. Each of the 19 units within the course lists the major concepts to be studied along with an outline for the unit. Materials would include historical records, maps, charts, graphs, copies of the U.S. Constitution, tribal constitutions, the Indian Civil Rights Act of 1968, congressional records, and pamphlets from the Office of the Commissioner of Indian Affairs. Learning activities include lecture-discussions, resource speakers, field trips, special projects, and role play. (Author/DS)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED164172

CURRICULUM BULLETIN NO. 18.02

A SURVEY OF THE STRUCTURE AND ORGANIZATION OF THE BUREAU OF INDIAN AFFAIRS AND TRIBAL GOVERNMENTS FOR AMERICAN INDIAN HIGH SCHOOL STUDENTS



INDIAN EDUCATION RESOURCES CENTER

BUREAU OF INDIAN AFFAIRS

P. O. BOX 1788

ALBUQUERQUE, NEW MEXICO 87103

NOVEMBER 1975

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

RC 010971

UNITED STATES DEPARTMENT OF THE INTERIOR
THOMAS S. KLEPPE, SECRETARY

BUREAU OF INDIAN AFFAIRS
MORRIS THOMPSON, COMMISSIONER

OFFICE OF INDIAN EDUCATION PROGRAMS
WILLIAM G. DEMMERT, DIRECTOR

INDIAN EDUCATION RESOURCES CENTER
WILLIAM J. BENHAM, ADMINISTRATOR

DIVISION OF EVALUATION, RESEARCH, AND DEVELOPMENT
THOMAS R. HOPKINS, CHIEF

PHOENIX AREA OFFICE
JOHN ARTICHOKER, AREA DIRECTOR

PREPARED BY
FREDERICK C. WILSON
TEACHER, SOCIAL STUDIES

SHERMAN INDIAN HIGH SCHOOL
BUREAU OF INDIAN AFFAIRS
RIVERSIDE, CALIFORNIA

FOREWORD

Dramatic changes in Indian Affairs have occurred during recent years. The Federal Government's re-defined policies require that Indian people particularly the young, examine newly emerging roles. It is necessary that Indian school children study these matters from a historical perspective, developmentally, to better understand what this transition will mean to them and their communities.

This Guide was prepared to explain the Federal Government's responsibilities to Indian communities established through the years by statute. It also describes in considerable detail the tribal government structure since Indian people are subject to their own tribal regulations as well as to State and Federal laws.

Of particular importance in this Guide is the inclusion of Unit 19, "The Indian Self-Determination and Educational Assistance Act." This law (P.L. 93-638) now in effect places great emphasis on tribal government. A move which makes it even more urgent that Indian youth study different governmental organizations.

Although it is recommended that both the teacher and student read the Act in its original form, the major points of P.L. 93-638 have been summarized in a separate section following Unit 19. Dr. Henry H. Rosenbluth, Division of Evaluation, Research, and Development of the Indian Education Resources Center, prepared Unit 19 and the P.L. 93-638 review.

TO THE TEACHER:

This Guide complements Curriculum Bulletin No. 18.01, "Student Rights and Responsibilities, A Law Focused Curriculum for American High School Students." The topics may be presented in separate units, however, they are sufficiently related in content to provide the Indian student with material for meaningful classroom discussions as a single course of study.

Mr. Fred Wilson of Sherman Indian High School, Riverside, California, teaches the course and prepared the Guide. Both he and many other education personnel in the Phoenix Area have taken the lead in developing curriculum materials focusing directly on matters affecting Indian youth.

Hopefully, teachers who use this Guide will seek to add instructional techniques and strategies, tailored to their own students. Curriculum content in this area is scarce and an exchange of such materials among teachers, Bureauwide, would be a giant step forward.

Dave Warren, Acting Director
Office of Indian Education Programs
Bureau of Indian Affairs
Washington, D. C. 20245

Ray Sorensen
Assistant Area Director for Education
Phoenix Area Office
Bureau of Indian Affairs
Phoenix, Arizona 85011

TABLE OF CONTENTS

		Page
P R E F A C E		ii
O B J E C T I V E S		iv
R A T I O N A L E		vi
UNIT # 1:	A HISTORY OF INDIAN POLICY	1
UNIT # 2:	THE INDIAN REORGANIZATION ACT OF 1934 (PUBLIC LAW 383, 73RD CONGRESS)	2
UNIT # 3:	GENERAL ORGANIZATION OF THE CENTRAL OFFICE OF THE BUREAU OF INDIAN AFFAIRS	3
UNIT # 4:	GENERAL ORGANIZATION OF THE AREA OFFICE OF THE BUREAU OF INDIAN AFFAIRS	3
UNIT # 5:	GENERAL ORGANIZATION OF THE AGENCY LEVEL OFFICE OF THE BUREAU OF INDIAN AFFAIRS	4
UNIT # 6:	PROBLEMS IN DEVELOPMENT OF TRIBAL GOVERNMENTS	5
UNIT # 7:	PROBLEMS IN DEVELOPMENT OF TRIBAL CONSTITUTIONS	6
UNIT # 8:	LAW AND ORDER ON THE RESERVATION	8
UNIT # 9:	RESERVATION-STATE RELATIONSHIPS	8
UNIT #10:	SENATE HEARINGS AND APPROPRIATIONS (BUDGETS IN GENERAL)	9
UNIT #11:	CONTRACTING AS A TRIBAL RESPONSIBILITY	10
UNIT #12:	TRUST LAND-ALLOTMENT RESPONSIBILITY AND THE WINTERS DOCTRINE	10
UNIT #13:	EDUCATION IN THE BUREAU OF INDIAN AFFAIRS	11
UNIT #14:	THE NATIVE AMERICAN INDIAN'S DUAL ROLE IN CITIZENSHIP RESPONSIBILITY	12
UNIT #15:	NATIVE AMERICAN INDIAN URBAN AND RESERVATION ORGANIZATIONS	13
UNIT #16:	THE SEARCH FOR LEADERSHIP IN A DIVIDED SOCIETY	13
UNIT #17:	TERMINATION AND SELF-DETERMINATION	14
UNIT #18:	CIVIL RIGHTS AND THE NATIVE AMERICAN INDIAN	15
UNIT #19:	INDIAN SELF-DETERMINATION AND EDUCATIONAL ASSISTANCE ACT (PUBLIC LAW 93-638)	17

PREFACE

This course is designed and developed for the sole purpose of exposing students to the complexities of the bureaucratic structure of the Federal Government, especially that of the structure and organization of the Bureau of Indian Affairs and its relationships to the Tribal Governments of the various tribes represented at this school.

Students who enroll in this class, or course, should have intellectual curiosity, maturity of judgment, ability to select and arrange factual material, understand value judgments, understand concepts, principles, and be able to speculate on, or develop from speculation, theories which are generally provable and will lend themselves to solutions that can be used to solve many of the current problems relating to the social, economic, and political life of the Native American Indian, both urban and reservation.

The material in this course is arranged both chronologically and topically. The topic unit method gives the student a firmer grasp of significant movements in today's Indian problems.

The study of these units will be valuable as an analysis and explanation of human intellectual and physical activities of the struggle for self-determination of the Indian Nation throughout history to develop and maintain a form of government, spiritual and cultural integrity, and the sophisticated technology needed to perpetuate a way of life.

The future must be built on both past and present achievements. It is essential that our Indian youth of today be prepared to assume the role of leadership in every aspect of life, especially the responsibility of being able to survive in an extremely complex society that will grow more complex as our environment continues to expand.

As leaders of tommorrow, the Indian youth of today must accept the reality of change as change occurs, whether or not the change was initiated by the Indian or non-Indian, especially if the interaction results in a dedication toward perpetuation of tribal goals and objectives.

OBJECTIVES

Through their experiences in the study of the Structure and Organization of the Bureau of Indian Affairs the students should:

1. Learn the origin of the History of Indian Policy and the different ideologies that influenced Indian Policy from the beginning to the present.

2. Broaden and deepen their conceptual understanding of the social, economic, political, and environmental factors that have influenced the development of Indian Policy.

3. Gain an understanding of the spiritual, cultural, social, and hereditary factors that are influencing change in the Indian environment of today.

4. Gain additional information about the complexity and inter-relationships of State, Federal, and Tribal governments.

5. Become aware of the threat of termination through self-determination as a result of executive, legislative and judicial changes in government at all levels, local, state and Federal.

6. Learn that even though different traditions and beliefs separate people, a number of common bonds serve to unify all of mankind.

7. Perceive the challenges that confront free people in the interpretation of democratic principles and practices throughout the world.

8. Deepen their appreciation of the democratic processes.

9. Study and compare various forms of organizational development including tribal governments, especially the executive, judicial, and legislative processes for the purpose of self-government.

10. Be stimulated to broaden their interest in social, economic, political, and cultural heritage for the purpose of acquiring knowledge and a better understanding of human nature.

11. Become more aware of the various ways man relates himself to other things beyond hiw own being.

12. Become aware of the background of newly formed Indian organizations and Indian Civil Rights and the importance of each in his or her own environment.

13. Become acquainted with the basic philosophies of their forefathers and the factors which have influenced the thinking of todays Indian leaders.

14. Develop the critical skills of making value judgments, developing theories, understanding concepts, and applying principles of problem solving to better understand todays current problems and issues.

15. Develop skills of research.

16. Develop skills in using reference materials.

17. Develop skills in evaluation techniques.

18. Develop skills of problem analysis.

19. Develop skills in role playing.

20. Develop skills in critical reading, speaking, and listening.

RATIONALE

This course is designed as a study of the plan of organization of the Bureau of Indian Affairs and its relationship to the recipients of their services, the first American, "The American Indian." This includes both the landed and landless tribal groups.

Part of the course is designed to instill an awareness, comprehension, and understanding within the student of their responsibility and dominance of role at every level of government. The understanding of our democratic philosophy which holds high the freedom and dignity of the individual must be recognized and acted upon by the youth of today's most highly complex and economically developed society for the purpose of solving the problems not only of today but tomorrow.

We must understand the fact that the first Americans, "The Indian," are the most deprived and isolated group of our total society in our nation. This covers every scale of measurement: employment, income, education, health, this condition ranks the Indian people at the bottom of our ethnic groups. We must also understand that the time has long passed when we can disregard the structure of the organization that we depend upon to represent and to serve us in the social, economic, and political world that provides us the means by which we survive in today's world.

That the problems which have evolved over the past 150 years cannot be solved overnight.

That we must have a general working knowledge of the Bureau of Indian Affairs as a component of the Federal Government.

That we must be able to understand the organization and functions of the various tribal governments.

That as young adults of Native American heritage we must become involved in the social, political, and economic growth of the respective tribal groups The commitment must be a personal cause dedicated toward the goal of self-determination without termination. This involvement and commitment must be on every scale of measurement where the original Americans, "The American Indian," is concerned.

For over 200 years the Federal Government of these United States has been dealing both "directly and indirectly" with problems concerning the first Americans, "The Indian," as a result of Treaties of War, Peace, and Commerce.

Based on the fact that a quasi-relationship exists between the tribal groups, the City-County, the State, and Federal Governments at the same time, and at other times on a one-to-one relationship between individuals and/or specific groups, we must recognize and accept the fact that both the problems and power of the organizational structure is inherent in the people as a whole.

In addition to other information covered during the course, general information will be dispensed regarding supportive programs and agencies outside the Bureau of Indian Affairs that provide both nonappropriated and appropriated funds which provide direct support to programs designed specifically for Indians. These programs and funds play an important role in the daily lives of the people of the American Indian community per se.

Instructional methods, materials, and content, small group-large group lecture-discussion, both external and internal resource speakers, field

trips, and special project participation. Materials will be improved and continuously developed from available Congressional Records, public information, and phamphlets from the office of the Commissioner of Indian Affairs, and other government agencies that publish appropriate information. Role playing and other acceptable methods of instruction approved by the school will be used to supplement the methods of instruction when the situation lends itself to the program as a whole. The use of historical records, maps, charts, graphs, and any other audio-visual materials that may become available as the course progresses will be incorporated into the course of study as required by student needs and requests.

The theory, concept, operation and function of both tribal government and the Bureau of Indian Affairs will be introduced and studied using the tribal constitutions and the Constitution of the United States as the authority for such studies.

In addition the Indian Civil Rights Act of 1968, as amended, will be provided and used as a springboard from which students can become involved in discussions concerning their own civil rights.

UNIT # 1 A HISTORY OF INDIAN POLICY

Major Concepts - Students should increasingly:

A. Become aware of the narrative history of the policies of the United States toward the Native American Indian.

B. Develop an understanding of the chronology and change in the development of Indian Policy.

Outline of Unit

A. The Nature of Indian Policy

B. The Definition of Indian Policy

C. An Overview of Similarity and Change

D. United States Congress and Indian Policy

E. Jurisdiction over Indians

F. Treatymaking

G. Treaties and Indian Trade

H. Tribal Removal and Concentration

I. Indian Policy and American Life: The 1960's

J. Indian Policy and American Life: The 1970's

UNIT # 2 THE INDIAN REORGANIZATION ACT OF 1934 (PUBLIC LAW 383, 73RD CONGRESS OF THE UNITED STATES)

Major Concepts - Students should increasingly:

A. Become aware of the public law that provided the American Indian with the option of governing themselves.

B. Become aware of the need to exercise control over the environment under their jurisdiction.

C. Become aware of the need to control the erosion and use of the natural resources under their jurisdiction.

D. Attempt to fully understand the contributions of their forefathers to present day life, culturally and socially.

E. Analyze the social, economic, and political changes that created the need for the Indian Reorganization Act of 1934.

F. Analyze some of the major results that have occurred as a result of the Indian Reorganization Act, especially in the area of self-government (tribal).

G. Attempt to gain knowledge of human nature, philosophies, attitudes, and factors that led to the development of the present day Bureau of Indian Affairs.

Outline of Unit

A. The Formation of Indian Policy as Perceived by the Congress of the United States

B. The Administration of Indian Affairs

C. Creation of the Office of Indian Affairs

D. Generalized Evaluation of the Past and Present Indian Service

UNIT # 3 GENERALIZED ORGANIZATION OF THE CENTRAL OFFICE OF THE PRESENT BUREAU OF INDIAN AFFAIRS

Major Concepts - Students should increasingly:

A. Become aware of the reasoning that led to the creation of the Department of the Interior and its structure.

B. Become aware of the organization of the Bureau of Indian Affairs as a department within the Department of the Interior.

C. Become aware of the need for both a centralized and decentralized office or offices to give support, liaison, and to expedite matters of state of the tribal groups.

Outline of Unit

A. Responsibilities of the Secretary of the Department of Interior to the Native American Indians.

B. Responsibilities of the Commissioner of Indian Affairs to the Secretary of the Department of the Interior and to the tribal groups he serves.

C. Responsibilities of the Deputy Commissioner of Indian Affairs to the Commissioner of Indian Affairs.

D. Responsibilities of the following staff offices:

1. The Congressional and Legislative Staff
2. The Intergovernmental Relations Staff
3. Policy Planning Staff
4. Public Information Staff
5. Office of Administration
6. Office of Indian Education Programs
7. Office of Indian Services
8. Office of Tribal Resources Development
9. Office of Trust Responsibility
10. Joint Use Administration Office

UNIT # 4 GENERAL ORGANIZATION OF THE AREA OFFICES OF THE BUREAU OF INDIAN AFFAIRS

Major Concepts - Students should increasingly:

A. Become more aware of the need for an area or field type office that can provide almost immediate services to the agencies as the need arises.

B. Become more aware of the need for an intermediate link in communications between the Agency and the Central Office for the purpose of expediting affairs of various groups.

C. Become more aware of the services provided by the Area Office staff.

D. Attempt to fully understand the services provided by each section of the Area Offices listed below.

E. Functional Organization of the Phoenix Area Office:

1. Area Director
2. Assistant Area Director
3. Assistant Area Director (Administration)
4. Assistant Area Director (Community Services)
5. Assistant Area Director (Economic Development)
6. Assistant Area Director (Education)
7. Services provided for:
   a. Reservation Programs
   b. Tribal Operations
   c. Programs Analysis
   d. Financial Management
   e. Personnel
   f. Plant Management
   g. Property and Supply
   h. Safety
   i. Employment Assistance
   j. Judicial Prevention and Enforcement Services
   k. Social Services
   l. Housing Development
   m. Credit and Financing
   n. Forestry
   o. Industrial Development
   p. Land Operations
   q. Real Estate Appraisal
   r. Real Property Management
   s. Roads
   t. Water
   u. Boundaries
   v. Resources
   w. Education
   x. Title Programs Assistance
   y. Labor Management Relations

UNIT # 5 SIMILARITIES OF BUREAU-WIDE ORGANIZATION AT THE AGENCY LEVEL

Major Concepts - Students should increasingly:

A. Become aware of the similarities of organizational patterns at the Agency level throughout the Bureau of Indian Affairs.

B. Become aware that even though most Agency Offices are organized along the same lines, functions, staffing and services rendered by the Agency may vary from Agency to Agency depending upon the need of the tribal groups and the geographical region served.

C. Become more aware of the fact that the more decentralized the operational levels of services rendered, the more the need for a chain of command as a liaison and communicative link between the Agency, Area Office, and the Washington, D.C., Central Office. The chain of command, the need for expedited services, and an intercommunicative system of operation is a necessity not a bureaucratic luxury.

Outline of Unit

A. Agency Level Organization

1. Office of the Superintendent
2. Administrative Manager
3. Natural Resource Specialist
4. Branch of Employment
5. Branch of Roads
6. Branch of Tribal Operations
7. Branch of Real Property
8. Branch of Forestry (Administrative)
9. Supervisory Construction Representative

UNIT # 6 PROBLEMS IN DEVELOPMENT OF TRIBAL GOVERNMENTS

Major Concepts - Students should increasingly:

A. Become aware that there are many different types of problems involved when attempts are made to establish a tribal government.

B. Become aware that there are a minimum of four different types of tribal governments.

C. Become aware that when establishing a tribal government one of the most important goals is that the form of government established must be compatible with tribal values.

D. Become aware that the tribal government must be a government of the people, by the people, for the people, serving all of the social, economic, and political needs of the people for which the government is established.

Outline of Unit

A. Problems

1. Updating Tribal Rolls
2. Social improvement
3. Economic improvement

4. Political improvement
5. Establishment of tribal offices and record keeping systems for the proper conduct of tribal business.
6. Development of procedures to keep tribal rolls current.
7. Create and maintain election boards.
8. Create and maintain an absentee balloting system.
9. Create and maintain a system for settling election disputes.
10. Create and develop a tribal management system.
11. Train tribal officials and tribal employees in tribal government.
12. Develop a system for tribal enterprises.
13. Develop a system of securing revenue and financing of tribal government operations.

B. Types of Tribal Governments

1. Representative (Constitutional)
2. General Council (No Constitution)
3. Republican and traditional
4. Traditional only (Pueblos of New Mexico - Government recognized by treaties with Spain and Mexico)

UNIT # 7 PROBLEMS IN DEVELOPMENT OF TRIBAL CONSTITUTIONS

Major Concepts - Students should increasingly:

A. Become aware that any written tribal constitution must be subservient to the Constitution of the United States.

B. Become aware that the tribal constitution may and can contain certain implied and specific powers both granted and not granted by the Constitution of the United States.

C. Become aware of the steps involved in establishing a tribal constitution before it becomes the official document governing the tribal group and that it contains the specific form of government, supplemented by by-laws, as approved by the people for whom it exists and serves.

Outline of Unit

A. Tribal Constitutions

1. Must spell out specific powers
2. Must be worded to indicate implied powers
3. Possibly can be revoked under certain conditions
4. There can be no conflict of interest between the Tribal and United States Constitutions
5. All changes and modifications to the tribal constitution must be approved by a majority of the voting members

B. Steps in Establishing Tribal Constitutions

1. Must be voted on and approved by the majority of the voting members of the tribe concerned.
2. Approved by the Agency Superintendent and forwarded to the Area Office concerned.
3. Approved by the Area Office (Director).
4. Forwarded to the Solicitor General for legal processing to determine if the constitution contains a conflict of interest with the Constitution of the United States.
5. The Constitution is then forwarded to the Office of the Commissioner of Indian Affairs for determination of approval.
6. Forwarded to the Office of the Secretary of the Interior for approval.
7. Returned through the same channels to the tribal group concerned as the official document under which the tribal government will function and becomes the official Tribal Constitution.

C. Powers and functions of a tribal government under the Tribal Constitution

1. Power to negotiate with local, state, and Federal governments
2. To employ attorneys
3. To prevent any sale or lease of land without consent of the tribe
4. To receive and make recommendations on appropriations estimates for the reservations
5. To make assignments of tribal lands
6. To manage tribal economic activities
7. To appropriate funds
8. To levy taxes and license fees
9. To exclude unauthorized persons from the reservation
10. To determine tribal membership
11. To regulate law and order on the reservation
12. To condemn lands for public use
13. To regulate the use and distribution of property
14. To charter and regulate subordinate organizations and cooperative organizations
15. To regulate the inheritance of property and allotted land
16. To regulate domestic relations
17. To appoint guardians
18. To encourage arts and crafts
19. To regulate tribal elections
20. To determine procedures of tribal courts
21. To delegate any of the above powers to subordinate officers or committees or cooperatives
22. To buy, receive, and manage all kinds of property
23. To borrow money
24. To engage in any business
25. To make contracts
26. To offer property or income of the tribe as security for loans
27. To deposit funds in any acceptable account
28. To exercise any additional powers necessary to carry out the foregoing powers (NOTE: Some of these powers may require Secretarial approval and others review, depending upon pertinent statutes and provisions contained in the tribal document).

UNIT # 8 LAW AND ORDER ON THE RESERVATION

Major Concepts - Students should increasingly:

A. Become aware that the power of an Indian tribe in the administration of justice is derived from the substantive powers of self-government which are legally recognized to fall within the domain of tribal sovereignty.

B. Become aware that the resolvement of any controversy within the legally recognized boundaries of the reservation under the reservation judicial system will in general be recognized by the local, state, and Federal judicial system.

C. Become aware of the fact that any established law and order system must be acceptable and function according to the will of the tribal group concerned under the tribal constitution.

D. Become aware of the fact that the pattern of the reservation judicial system may vary from reservation to reservation according to the needs and goals of the tribal group concerned.

Outline of Unit

A. Committee and Units

    1. Law and Order Committee
        a. Fish and Wildlife

B. Tribal Courts-Judicial System

    1. Criminal Courts
    2. Civil Courts
    3. Traffic Courts
    4. Juvenile Courts

UNIT # 9 RESERVATION-STATE RELATIONSHIPS

Major Concepts - Students should increasingly:

A. Become aware that Indian individuals and communities must work together with the local, State, and Federal governments.

B. Become aware of the special citizenship status held by Native American Indian citizens who reside on a reservation but are still citizens of the state in which their reservation is located.

C. Become aware of special arrangements and special services available only to Indian citizens.

D. Become aware of the special role of dual citizenship status that is unique only to Native American Indians.

Outline of Unit

A. Problems involving taxation

B. Problems involved in judicial jurisdiction

C. Education programs for American Indians

D. Constitutional Rights

E. The Johnson O'Malley Act

F. Dual citizenship status

G. Indian organizations established by state and Federal governments for American Indians only

UNIT # 10 SENATE HEARINGS AND APPROPRIATIONS (BUDGETS IN GENERAL)

Major Concepts - Students should increasingly:

A. Be aware that the Congress of the United States by law must approve appropriations of all funds used by the Bureau of Indian Affairs for support and services of the tribal groups under their jurisdiction.

B. Be aware of the methods and steps taken to secure and obtain funds, including justification for support of, and services that are rendered to tribal groups.

C. Be aware of the fact that tribal groups or representatives (authorized representatives) may appear before the Senate Sub-Committee on Indian Affairs to appeal for funds above and beyond the normal budget already appropriated for any one specific fiscal year.

D. Be aware that when money is appropriated by the Congress to be spent for services to tribal groups that all monies (appropriated monies) must be spent on whatever specific project or for the specific reason the money was appropriated.

Outline of Unit

A. Senate Sub-Committee Hearings on Indian Affairs

B. Members of the Senate Sub-Committee on Indian Affairs

C. Office of Management and Budget

D. Presidential approval of funds for Indian Affairs

E. Special Appropriations

F. Tribal Budgets

G. Agency Budgets

UNIT # 11 CONTRACTING AS A TRIBAL RESPONSIBILITY

Major Concepts - Students should increasingly:

A. Become aware that contracting is a tribal decision and responsibility that can and does involve many tribal enterprises and institutions.

B. Be aware that where contracting of any nature by the tribal administration is accomplished there must be no conflict of interest under the tribal powers either implied or granted.

C. Be aware that contracts may or may not require approval of the Secretary of the Department of the Interior, depending upon the powers granted, implied or specified by Congressional Legislation of law, or by tribal legislation and approved by the tribe concerned.

Outline of Unit

A. Reasons for contracting

1. Dissatisfaction with present staff
2. Control of community education
3. Curriculum modification (BIA - Public)
4. Cultural traditions
5. Child Welfare
6. Responsibility - Authority - Power
7. Self-pride

B. Pro for contracting

1. Parent involvement for children
2. Control Destiny (Personal - Tribal)
3. Preserve community and tribe
4. Self-actualization of child
5. Program flexibility (BIA - Public)
6. Control of money and power
7. Right to fail on own abilities
8. Seek private funding

UNIT # 12 TRUST LAND RESPONSIBILITY AND THE WINTERS DOCTRINE

Major Concepts - Students should increasingly:

A. Become aware of the complexity of heirship land and tribal owned land as presently exists under law.

B. Become aware that the General Allotment Act, in addition to piecemeal legislation, is responsible for creating the complex ownership laws,

which further complicates Indian Land Ownership.

C. Be aware that the Indian Reorganization Act of 1934 (The Howard-Wheeler Act) stopped the Allotment Act, but did not stop the complex ownership problems associated with it.

D. Be aware of the fact that the Federal Government as a soverign has the responsibility to protect trust lands at all costs.

Outline of Unit

A. The Howard-Wheeler Act

B. Heirship Lands

C. Tribally owned lands

D. Allotted lands

E. Trust responsibility

F. Water Rights

G. Prior Usage Rights (water)

H. Irrigated Lands

I. Dry Farming Lands

J. Grazing Lands

K. Forest and Mineral Operations

UNIT # 13 EDUCATION UNDER THE BUREAU OF INDIAN AFFAIRS

Major Concepts - Students should increasingly:

A. Become more aware that their education is guaranteed by treaty, statute, long undisputed practice and policy or policies of the United States. Under these guidelines the United States Government has assumed the obligation for the education of Native American Indians (federally recognized) and has operated schools accordingly since 1819.

B. Become aware that there are several different types of Federal schools operated for the educational welfare of the Native American Indian youth and adults.

C. Become aware that the Bureau of Indian Affairs has the major responsibility of operating and supporting educational systems for the betterment of the Native American Indian citizen.

D. Become aware that the Bureau of Indian Affairs also has the responsibility for the support and conduct of Adult Indian Education Programs.

Outline of Unit

A. Guidelines for Indian Education

1. Treaties
2. Statutes - Laws (State - Federal)
3. Practices
4. Policies

B. Types of Federal Schools

1. Off-Reservation Boarding Schools (Elementary and High School)
2. Technical and Vocational Schools
3. Institute of American Indian Arts
4. Regular Day Schools
5. Trailer Schools
6. Community Colleges
   a. Navajo Community College
   b. Haskell Indian Junior College
7. Southwestern Polytechnic Institute (Indian)

C. Adult Education

1. Pre-natal Courses
2. Farming
3. Home Economics
4. Judicial and Law Enforcement Programs
5. On-the-job Training

UNIT # 14 THE NATIVE AMERICAN INDIAN'S DUAL ROLE IN CITIZENSHIP RESPONSIBILITY

Major Concepts - Students should increasingly:

A. Become aware that every Native American Indian holding tribal status or is federally recognized has a responsibility to the local, state, and Federal communities as well as to their community on the reservation.

Outline of Unit

A. Should become involved in community affairs

B. Should vote in every election, if eligible under law.

C. To serve as a member of a jury if called upon to do so, if eligible under law.

D. To take pare in all community affairs.

E. To help develop programs that are beneficial to the entire community in which they live.

UNIT # 15 NATIVE AMERICAN URBAN AND RESERVATION ORGANIZATIONS

Major Concepts - Students should increasingly:

A. Become aware of the various organizations and programs that are established for the sole purpose of serving the Native American Indian population both on and off the reservation.

Outline of Unit

A. Public Health Service

B. Committee of One Hundred (A National Advisory Committee)

C. Economic Development Program

D. Employment Assistance Act on the Reservation

E. Economic Opportunity Act (for those eligible)

F. Farmers Home Administration (for those eligible)

G. Governor's Interstate Indian Council

H. Health-Education and Welfare (for those eligible to receive benefits)

I. Johnson O'Malley Act

J. Manpower Development Training Act (for those eligible)

K. National Congress of American Indians

L. National Council on American Indians

M. National Tribal Chairmen's Association

N. Social and Rehabilitation Service (for those eligible)

O. Social Security Administration (for those eligible)

P. Urban Indian Centers

UNIT # 16 THE SEARCH FOR LEADERSHIP IN A DIVIDED SOCIETY

Major Concepts - Students should increasingly:

A. Become aware of their responsibility to assume the role of leadership to insure perpetuation of self-government, protection of cultural achievements and their Indian heritage.

B. Become aware that the leadership effort must be dedicated toward the social, economic, and political progress of all Native American Indian groups as a whole.

Outline of Unit

A. Leadership Qualities

1. Honesty
2. Open-mindedness
3. Initiative
4. Decisiveness
5. Enthusiasm
6. Courage
7. A fundamental religious background
8. Resourcefulness

B. Essential of Leadership

1. Good judgement
2. Ability to make decisions based on fact
3. Ability to plan and see ahead
4. Fairness in dealing with others
5. Ability to accept criticism without resorting to anger or violence
6. Sound judgment of men and events
7. A sincere liking for people of all kinds
8. A willingness to accept responsibility
9. Be man enough to take the blame for things when they go wrong without passing the buck.
10. Try not to be prejudiced
11. Develop a desire to accept facts, listen to facts, and use the facts to your best advantage for the good of the people

UNIT # 17 TERMINATION AND SELF-DETERMINATION

Major Concepts - Students should increasingly:

A. Become aware of the definition of the words, "termination" and "self-determination" as applied to the federally recognized tribal groups of Native American Indians.

B. Become aware that only through decisive Indian leadership can self-determination exist without termination.

Outline of Unit

A. Indian leadership

B. Indian Programs for Indians

C. Self-Government

D. Preservation of Cultural Heritage

E. Preservation of Indian Historical Heritage

F. Indian Preference in Employment in the Bureau of Indian Affairs and Tribal Enterprises

G. Indian Education

H. Indian Social, Economic, and Political Progress

UNIT # 18 CIVIL RIGHTS AND THE NATIVE AMERICAN INDIAN

Major Concepts - Students should increasingly:

A. Become aware of the Indian Civil Rights Act of 1968 as amended.

B. Become aware that under the Civil Rights Act and the Constitution of the United States the Indian citizen holds a unique status under law, where his civil rights are involved.

Outline of Unit

A. No Indian tribe in exercising powers of self-government will or shall violate any of the individual rights guaranteed by the Constitution of the United States.

B. No Indian tribe in exercising powers of self-government shall:

1. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or the press, or the right of the people to assemble peaceably, and to petition for the redress of grievances.
2. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search or seizures, nor issue warrants upon probable cause supported by affirmation, and particularly describing the place to be searched and the person or thing to be seized.
3. Subject any person for the same offense to be put twice in jeopardy.
4. Compel any person in a criminal case to be a witness against himself.

5. Take any private property for public use without just compensation.
6. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.
7. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty of punishment greater than imprisonment for a term of six months or a fine of $500, or both.
8. Deny to any person within its jurisdiction the equal protection of its laws, or deprive any person of liberty or property without due process of law.
9. Pass any bill of attainder or ex-post facto law.
10. Deny to any person accused of an offense punishable by jury of not less than six persons.

NOTE: The Indian Bill of Rights covers all federally recognized Indian, Eskimo, and Aleut tribes, bands, Pueblos, communities, villages, and rancherias which carry on any self-government function.

UNIT 19 INDIAN SELF-DETERMINATION AND EDUCATIONAL ASSISTANCE ACT (PUBLIC LAW 93-638, 93rd CONGRESS OF THE UNITED STATES)

Major Concepts: Students should increasingly:

A. Become thoroughly acquainted with the law that strengthens tribal governments internally as well as establishes a sounder relationship between Indian people and non-Indian communities.

B. Become aware of the need to better prepare themselves for managerial (leadership) positions in their respective tribes and/or local communities.

C. Become aware of the new responsibilities assumed by Indian tribes to exercise greater control in fiscal management.

D. Become knowledgeable of the operations of state governments, local governments and public school systems with which they may work on common educational problems.

E. Become aware of the requirements under the law for specialized skills needed by tribes for contracting purposes.

Unit Outline:

A. Review and discuss the law; its regulations.

B. Prepare certain realistic cases which may fall under the law and indicate how the law may be applied.

C. As a Native American person, explain how the law is an advancement over previous legislation and in what ways it can be improved or modified.

INDIAN SELF-DETERMINATION AND EDUCATIONAL ASSISTANCE ACT
(PUBLIC LAW 93-638)

Just before Christmas, the Congress passed, and on January 4, 1975, President Ford signed the Indian Self-Determination and Educational Assistance Act. This law will have far-reaching consequences for Native American people since it provides tribal governments with greater control over the destinies of their constituencies including new regulation powers over federal appropriations. It is vital that young people examine this law carefully since as future leaders in their home communities, they will be armed by law with self governing powers never achieved before by Native American Tribal governments.

In its preamble to the Act the Congress stated the following intent:

> "To promote maximum Indian participation on the government and education of the Indian people; to provide for the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indians and to encourage the development of the human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; to train professionals in Indian Education; to establish an Indian youth intern program; and for other purposes."

Since it was the purpose of the Congress to hand greater authority over to tribal governments in implementing the law, it is important to review some of the definitions used throughout the text.

SEC. 4. For the purposes of this Act, the term--

(a) "Indian" means a person who is a member of an Indian tribe;

(b) "Indian tribe" means any Indian tribe, band, nation or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(c) "Tribal organization" means the recognized governing body of an Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, that in any case where a contract is let or grant made to an organization to perform services benefitting more than one Indian tribe, the approval of each such Indian tribe shall be a pre-requisite to the letting or making of such contract or grant;

The law includes two main parts called "Titles".

Title I, the Indian Self-Determination Act, includes many provisions

for strengthening Indian control over education for Indians. Title I also includes provisions relating to health care, and to strengthening Indian Tribal governments.

Title II, the Indian Assistance part deals entirely with strengthening education for Indians.

Regulations governing the ways both titles will be applied were written during 1975 and were published in the Federal Register on November 4, 1975 to become effective on December 4, 1975. *These regulations having been examined carefully by the public are now in effect.*

The Act officially recognizes the central importance of Indian tribal governments and of Alaskan Native Village governments. It also recognizes the importance of other tribal organizations, such as Indian school boards that usually derive their authority from the tribal governments.

Title I requires the Secretary of the Interior to contract with Indian tribal governments who want to manage all or part of the school program for their own children.

Title I allows the Secretary of the Interior to make grants to tribal governments to improve their management abilities with the object of becoming prepared to manage their own schools. A tribal government can also use the money from such grants as matching shares for any other Federal grant program that would help strengthen the tribal government.

Along with greater authority, the tribal governments now must share increased responsibility for managing funds. They must assure fair and uniform services to all Indians who are to be benefitted by contracts of grants under the new Act.

In this respect, Indian tribal governments receiving contracts or grants under the Act must report to the Secretary of the Interior, at the end of each fiscal year, on how the funds were used.

The Act guarantees that none of its provisions will impair Indian tribal sovereign communities, or will lead to any termination of existing trust responsibilities of the Federal government to Indian tribes.

Title II, The Indian Educational Assistance Act, requires that a tribal government contracting with a public school district under the Johnson-O'Malley Act must submit an education plan to the Secretary of the Interior, stating the educational objectives for the Indian students. It also requires that in any public school district affected by a proposed contract, the local school board governing the school district must either have a majority of Indian members, or else must have an advisory committee of parents of Indian students of the school district.

The government recognizes that the local public school districts may need financial help to educate large numbers of Indian students. Title II contains numerous procedures which permit appropriate use of funds to assume this responsibility, including new construction.

As you can see, PL 93-638 changes Federal policy regulating management decisions for Indian education. It offers tribal governments several important methods for strengthening their management abilities.

The "Indian Self-Determination and Educational Assistance Act" was introduced in Congress "after a careful review of the Federal Government's historical and legal relationship with, and resulting responsibilities to American Indian people."

In a Declaration of Policy, the Congress under Section 3 of the Act underscored its position as follows:

(a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

REFERENCES

A HISTORY OF INDIAN POLICY, by S. Tyler, United States Department of the Interior, Bureau of Indian Affairs, 1973.

THE CONSTITUTION AND BY-LAWS OF THE PAPAGO TRIBE, Law and Order Section.

THE INDIAN, by William Brophy and Sophie D. Aberle, University of Oklahoma Press, fifth printing 1972.

CONSTITUTION AND BY-LAWS OF THE UTE INDIAN TRIBE OF THE UNITAH AND OURAY RESERVATION, UTAH, approved January 18, 1937.

COMPILATION OF MATERIALS, by Victor LaCourse, Brigham City, Utah, Bureau of Indain Affairs.

AMERICAN INDIAN CIVIL RIGHTS HANDBOOK, 1968, as amended.

THE HOWARD-WHEELER ACT (The Indian Reorganization Act of 1934)

THE UNITED STATES CODE (Education)

SENATE SUB-COMMITTEE HEARING ON INDIAN AFFAIRS, 93rd Congress, United States, Second Session.

CONGRESSIONAL RECORDS, 93rd Congress, United States, Second Session.

CONSTITUTION AND BY-LAWS OF THE ROSEBUD SIOUX, 1973.

MERIT SYSTEM FOR THE ROSEBUD SIOUX, 1973.

FEDERAL JOHNSON-O'MALLEY INDIAN EDUCATION FUND (Part 33, sub-chapter 1, CFR 25.)

CONSTITUTION AND BY-LAWS OF THE PAPAGO TRIBE OF ARIZONA, January 6, 1937.

REVISED CONSTITUTION AND BY-LAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS, November 28, 1969.

ORGANIZATIONAL CHART OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS, April 20, 1973.

ORGANIZATIONAL HANDBOOK FOR THE PAPAGO TRIBE OF ARIZONA, 1969.

LAW AND ORDER CODE OF THE PAPAGO TRIBE OF ARIZONA, June 27, 1945, as amended.

REVISED CONSTITUTION AND BY-LAWS OF THE NEZ PERCE TRIBE OF IDAHO, June 27, 1961.

REVISED CONSTITUTION AND BY-LAWS OF THE SISSETON WAHPETON SIOUX TRIBE, South Dakota, August 26, 1966.

CONSTITUTION AND BY-LAWS OF THE WASHOE TRIBE OF NEVADA AND CALIFORNIA, October 13, 1969.

CORPORATE CHARTER OF THE WASHOE TRIBE OF NEVADA AND CALIFORNIA, February 13, 1947.

CONSTITUTION AND BY-LAWS OF THE HOPI TRIBE, August 1, 1969.

FINAL DRAFT OF THE INTERIM PERSONNEL POLICIES AND PROCEDURES OF THE HOPI TRIBE, 1974.

THE ZUNIS, Experiences and Descriptions, 1973.

THE CONSTITUTION AND BY-LAWS OF THE ZUNI TRIBE, ZUNI RESERVATION, ZUNI, NEW MEXICO, July 9, 1970.

FINAL DRAFT OF THE CONSTITUTION OF THE CHEROKEE NATION OF THE STATE OF OKLAHOMA, March 27, 1973.

THE BLACKFEET CONSTITUTION OF THE BLACKFEET PEOPLE, Adopted by the Adult Members of the Blackfeet Tribe, 1974.

DAILY CONGRESSIONAL RECORD, 1974-1975.

THE UNITED STATES INDIAN SERVICE, "A SKETCH OF THE DEVELOPMENT OF THE BUREAU OF INDIAN AFFAIRS AND INDIAN POLICY," Excerpt from speech by Commissioner G. L. Emmons, October 1953.

PUBLIC LAW 92-318, Indian Education Act of 1972.

SELECTED PUBLIC LAWS, enacted by the 93rd Congress, 1st Session, 1974-1975.

PUBLIC LAW 93-638, Indian Self-Determination and Education Assistance Act, 1974.

INDIAN FINANCING ACT 5-1341 (93-262, April 12, 1974)

LAW RELATED AUDIO-VISUAL MATERIALS, Compilation 1975.

HANDBOOK OF FEDERAL INDIAN LAW, by Felix S. Cohen, U. S. Government Printing Office 1942. Reprinted by AMS Press, New York, New York 10003, 1973.

THE INDIAN HERITAGE OF AMERICA, by Alvin M. Joseph, Jr., Bahtom Books, Inc. 666 Fifth Avenue, New York, New York, 10019, July 1973.

INDIANS AND OTHER AMERICANS, TWO WAYS OF LIFE MEET, By Harold E. Fey and Arcy McNickle, Harper & Row, Inc., New York, New York, 10016, 1970.

I HAVE SPOKEN, by Virginia I. Armstrong and Frederick W. Turner III, Simon and Schuster, Inc., New York 1971.

THE MAGIC WORLD, by William Brandon, William Morrow and Co., Inc., New York 1971.

THE INDIAN AMERICA'S PAST, By Jack D. Forbes, Prentice Hall, Inc. New York 1971.

THE AMERICAN INDIAN TODAY, by Stuart Levine and Nancy D. Lurie, Penquin Books, Inc., Baltimore, 1972.

THE NEW INDIANS, by Stan Stiener, Dell Publishing Co., Inc., New York, 1968.

TO BE AN INDIAN, by Joseph H. Cash and Herbert T. Hoover, Holt, Rinehart and Winston, Inc., 1971.

VITAL ISSUES OF THE CONSTITUTION, by Joseph H. Cash and H. T. Hoover, Houghton Miffin Co., Boston 1971.

BSA EDUCATION RESEARCH BULLETIN, VOLUME I, by J. H. Cash and H. T. Hoover, 1971.

FEDERAL INDIAN POLICIES FROM THE COLONIAL PERIOD THROUGH THE EARLY 1970'S, U. S. Department of the Interior, Bureau of Indian Affairs.

TRIBAL INFORMATION AND DIRECTORY, Bureau of Indian Affairs, Southern California Agency, Riverside, California.

HENRY JEANOTTE, THE INDIAN HISTORIAN, San Francisco, California 1970.

NATIVE AMERICANS OF CALIFORNIA AND NEVADA, by Jack D. Forbes, Naturegraph Publishers, Healdsburg, California 1969.

FINAL EVALUATION, TITLE I, PHOENIX AREA, BUREAU OF INDIAN AFFAIRS, Bureau of Indian Education, Phoenix, 1973.

THE FIRST AMERICANS, by Daniel Jacobson, Ginn and Co., Boston 1969.

FEDERAL AND STATE INDIAN RESERVATION, Superintendent of Documents, U. S. Government Printing Office, Washington, D. C.

THE INDIAN AMERICA'S UNFINISHED BUSINESS, Compiled by William A. Brophy and Sophie D. Aberle, Norman, Oklahoma by the University of Oklahoma Press 1972.

A CENTURY OF DISHONOR, by Helen Hart Jackson and Andrew F. Rolle, Harper and Row, Publishers, Inc., New York 1965.

EDUCATION FOR CROSS CULTURAL ENRICHMENT, by Hildegard Thompson, Haskell Institute, Lawrence, Kansas 1964.

THE STORY OF THE MISSISSIPPI CHOCTAWS, by Thelma V. Bonds, Interior Chilocco Press, Chilocco, Oklahoma, December 1958.

THE KAMAH NAVAJOS, translated by Robert W. Young and the Son of former Mary Beads, Haskell Institute, Lawrence, Kansas.

ENVIRONMENTAL AWARENESS FOR INDIAN EDUCATION, Bureau of Indian Affairs, Washington, D. C. 1970.

THE INDIAN HISTORIAN, by Jeannett Henry, San Francisco, California 1971.

AMERICAN INDIAN, By William T. Hogan, the University of Chicago Press, Chicago 1961.

PUEBLO CRAFTS, by Ruth Underhill, U. S. Department of the Interior, Bureau of Indian Affairs Branch of Education, Washington, D. C., Haskell Institute, Lawrence, Kansas.

INDIAN SELF-DETERMINATION AND EDUCATIONAL ASSISTANCE ACT (PUBLIC LAW 93-638) January 4, 1974.

PERSONAL INTERVIEWS:

Mr. Noel D. Scott, Superintendent, Sherman Indian High School
Mr. Ray Reese, Brigham City, Utah, Bureau of Indian Affairs
Mr. Victor LaCourse, Brigham City, Utah, Bureau of Indian Affairs
Mr. Robert Hawkins, Indian Education Resources Center, Albuquerque, N.M.
Mr. Robert Bennett, University of New Mexico, Albuquerque, New Mexico

NOTE: Many Indian newspapers and publications were used also to gather background information.